

March 24, 2003

Dear Colleague:

In celebrating International Education Week a few months ago, I shared the U.S. Department of Education's commitment to putting the "world" back into "world-class" education. We need to continue to build our relationships with those in other countries in order to equip the children in our nation's public schools with the skills and knowledge they will need to be responsible members of the world community.

The Department has learned of some concern that the "highly qualified" teacher requirements of the Elementary and Secondary Education Act, as reauthorized by the *No Child Left Behind Act* (NCLBA), seem to limit participation in international teacher exchange programs. We at the Department value these programs and understand how strongly they support and complement the following four policy priorities I announced during International Education Week:

- Increasing U.S. knowledge and expertise about other regions, cultures, languages, and international issues;
- Sharing with other countries information about U.S. education policies and practices, providing leadership on education issues, and working with international partners on initiatives of common benefit;
- Learning more about the effective practices and policies of other countries in order to improve teaching and learning in the United States; and
- Supporting U.S. foreign and economic policy by strengthening relationships with other countries and promoting U.S. education.

The NCLBA sets a high standard for all students and for ensuring the quality of teachers. In particular, the requirement in section 1119 of the Elementary and Secondary Education Act (ESEA) that teachers be highly qualified, as defined in section 9101(23) of ESEA helps to ensure that all teachers of core academic subjects, whether they are recruited and hired from within the United States or from another country, have the content knowledge and teaching skills needed to enable all students to succeed. Under the statute, the term "core academic subjects" means English, reading, or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. These requirements apply currently to teachers hired after the beginning of the 2002-2003 school year who teach in a Title I program, and will apply to all teachers of core academic subjects by the end of the 2005-2006 school year.

The following information explains how school districts may continue to hire and employ visiting teachers from other countries while being consistent with the statutory requirements that define a highly qualified teacher.

## **Bachelor's Degree**

The reauthorized ESEA requires that, among other things, in order to be considered “highly qualified,” a teacher must hold a bachelor’s degree. A foreign teacher will have met this requirement if he or she has received a degree from a foreign college or university that is at least equivalent to a bachelor’s degree offered by an American institution of higher education (IHE).

## **Full State Certification or Licensure**

Section 9101(23)(A)(ii) of the ESEA does not permit teachers who are hired through a provisional or temporary waiver of State certification or licensure requirements to be considered “highly qualified” teachers. However, in examining the credentials of prospective visiting international teachers, States may find that these teachers can readily meet existing certification or licensure requirements (including those that govern testing). Each State continues to have full authority to define and enforce its own requirements that teachers must meet in order to receive full State certification or licensure. Therefore, States whose local educational agencies (LEAs) employ visiting international teachers may consider establishing, for these individuals, a separate category of full certification that would differ from emergency or provisional certification in that the State would not be waiving any training, experiential, or other requirements, but would adapt those requirements to fit the circumstances applicable to foreign teachers.

Moreover, given the desire to permit LEAs to recruit and hire international teachers for the upcoming 2003-2004 school year, a State also may want to establish full State certification requirements tailored to international teachers, to address (1) the needs of LEAs within the State, and (2) its responsibility to ensure that visiting teachers have the knowledge and skills to warrant State certification. Consistent with State procedures, a State may adopt these types of certification requirements for the upcoming year on an interim basis, provided that the State is satisfied that the international teachers that would be certified are as qualified to teach their subjects as other certified teachers. This approach would be particularly useful for States and districts that employ, for no more than three years, international teachers who come to this country on a “J-1” visa.\*

## **Competency in Subject Knowledge and Teaching Skills**

The definition of a “highly qualified” teacher in section 9101(23) of the ESEA is very specific about the ways in which a teacher may demonstrate subject knowledge and teaching skills. All experienced teachers (i.e., teachers who are not new to the field, and thus have previously taught in elementary, middle, or high schools), whether recruited from within the United States or from abroad, may demonstrate the required subject

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\* A “J-1” visa is a type of visa provided to a foreign visitor who “is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency” in accordance with section 101(a)(15)(J) of the Immigration and Nationality Act.

competency and teaching skills either by passing a rigorous subject-matter competency test in each core academic subject they will teach or by demonstrating competency in each core academic subject on the basis of a “high, objective, uniform, State standard of evaluation.” In addition, middle or high school teachers may demonstrate this competency by having majored in the course of study or through other identified ways. These options are discussed below.

1. Academic Proficiency:

*Middle and high school teachers.* Section 9101(23)(B)(ii)(I) and (II) permit a State’s new or experienced middle and high school teachers to demonstrate the required subject-matter competency through “successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, [or] coursework equivalent to an undergraduate academic major.” [The law also permits these teachers to demonstrate competency by attaining advanced certification or recredentialing, but this may not be relevant to international teachers.] Therefore, international teachers who have successfully completed at least an academic major or coursework equivalent to that major, in the subject(s) they plan to teach in U.S. schools, have demonstrated the required subject-matter competency and teaching skills that the NCLBA requires.

2. Subject-Matter Competency Tests:

*Middle and high school teachers.* Prospective international teachers who did not major in the subject(s) that they would be hired to teach in U.S. schools would need to take and pass a rigorous State test in the subject(s) they would teach [unless they are able to demonstrate competency through the “high objective uniform State standard of evaluation” (see below)]. However, States have flexibility to determine whether to adopt, for these international teachers, the rigorous subject tests that these teachers have passed in their own countries as “State tests” for purposes of section 9101(23).

*Elementary school teachers.* The law does not permit elementary school teachers to demonstrate the required subject competency and teaching skills on the basis of the completion of academic coursework (or by advanced certification or recredentialing). Section 9101(23)(B)(i)(II) requires a State’s new elementary school teachers to demonstrate the required subject competency and teaching skills by “passing a rigorous State test ... in reading, writing, mathematics, and other areas of the basic elementary school curriculum.” Elementary school teachers who are not new to the profession also may demonstrate competency through the “high objective uniform State standard of evaluation” (see below).

3. High Objective Uniform State Standard of Evaluation:

Section 9101(23)(C)(ii) of ESEA permits any experienced teacher, without regard to grade level or location in which the teacher has previously taught, to demonstrate subject competency and teaching skills on the basis of a “high objective uniform State standard of evaluation” that:

- Is set by the State for both grade-appropriate academic subject matter knowledge and teaching skills;
- Is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
- Provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;
- Is applied uniformly to all teachers in the same academic subject and teaching in the same grade level throughout the State;
- Takes into consideration, but is not based primarily on, the time the teacher has been teaching in the academic subject;
- Is made available to the public upon request; and
- May involve multiple, objective measures of teacher competency.

While many States are only beginning to explore how the “high objective uniform State standard of evaluation” can be used to measure competency, States may be able to find reasonable ways to apply this standard to international teachers. Moreover, as States move forward in this area, I want you to know that Department staff are already working to help find ways in which States may use the standard to determine whether international teachers have the requisite competency in subject knowledge and teaching skills. We expect to provide information on this to you in the near future.

Regardless of the methods States and LEAs adopt to determine whether international teachers have the subject-matter competency and teaching skills required to teach in U.S. schools, LEAs and appropriate State agencies should ensure that they have documentation to confirm that these teachers meet the NCLBA requirements for highly qualified teachers. Agencies that engage in recruiting international teachers can play an important role in helping them to do so by furnishing LEAs with the documentation that they need.

In closing, let me reiterate the Department’s commitment to providing a rigorous K-12 education that embraces international perspectives and to the international teacher exchange programs that significantly contribute to accomplishing this goal. The Department is dedicated to working with States and LEAs to ensure that these programs continue and contribute to helping ensure that no child is left behind.

Sincerely,

/s/

Rod Paige